

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 03-59

Introduced by Council President Wagner at the request of the County Executive

Legislative Day No. 03-26 Date October 14, 2003

AN EMERGENCY ACT to repeal and reenact, with amendments, Section 267-53.8, Public safety uses, of Article VIIIA, Telecommunications Facilities, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide for clarification of the exemption for public safety uses of communications towers.

By the Council, October 14, 2003

Introduced, read first time, ordered posted and public hearing scheduled

on: November 18, 2003

at: 7:30 p.m.

By Order: Barbara J. Ruth, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on November 18, 2003, and concluded on, November 18, 2003.

Barbara J. Ruth, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 WHEREAS, public safety is among the highest of priorities for county government; and

2 WHEREAS, the ability of public safety personnel to communicate with each other is critical to
3 the provision of emergency services to county citizens; and

4 WHEREAS, the County has embarked upon the upgrade of its public safety communications
5 system as the third largest capital project in the County's history in order to replace outdated technology
6 and unreliable equipment and to improve the interoperability of public safety communications for the
7 protection of the health, safety and welfare of county citizens; and

8 WHEREAS, the County seeks to clarify the public safety exemptions already contained in the
9 Harford County Code.

10 NOW, THEREFORE,

11 Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 267-
12 53.8, Public safety uses, of Article VIIIA, Telecommunications Facilities, of Part 1, Standards, of
13 Chapter 267, Zoning, of the Harford County Code, as amended, be, and it is hereby, repealed and
14 reenacted, with amendments, all to read as follows:

15 **Chapter 267. Zoning**

16 **Part 1. Standards**

17 **Article VIIIA. Telecommunications Facilities**

18 **§ 267-53.8. Public safety uses.**

19 [The construction of communications towers determined to be necessary in accordance with a
20 plan approved by the County Council for government sanctioned public safety use or the mounting
21 of communications antennas for government sanctioned public safety use is exempt from the
22 provisions contained in {Sections 267-53.6 and 267-53.7 of this legislation} THE HARFORD
23 COUNTY ZONING CODE. Public safety use is defined as local and state law enforcement agencies
24 and emergency operations center, including the oversight of the volunteer fire companies and
25 medical services, designed to protect the health, safety and welfare of the public but does not include

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the operations of the Department of Inspections, Licenses and Permits or The Humane Society.]

A. IN THIS SECTION "PUBLIC SAFETY USE" MEANS LOCAL AND STATE
LAW ENFORCEMENT AGENCIES AND THE COUNTY EMERGENCY OPERATIONS
CENTER, INCLUDING THE OVERSIGHT OF THE VOLUNTEER FIRE COMPANIES AND
MEDICAL SERVICES, DESIGNED TO PROTECT THE HEALTH, SAFETY AND
WELFARE OF THE PUBLIC BUT DOES NOT INCLUDE THE OPERATIONS OF THE
DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS OR THE HUMANE
SOCIETY.

B. EXCEPT AS PROVIDED BELOW, THE CONSTRUCTION OF NEW
COMMUNICATIONS TOWERS FOR PUBLIC SAFETY USE OR THE EXTENSION OF
EXISTING PUBLIC SAFETY USE COMMUNICATION TOWERS TO A HEIGHT
EXCEEDING 199 FEET DETERMINED TO BE NECESSARY IN ACCORDANCE WITH A
DETAILED, TECHNICAL PLAN SUBMITTED BY THE COUNTY EXECUTIVE AND
APPROVED BY THE COUNTY COUNCIL FOR GOVERNMENT SANCTIONED PUBLIC
SAFETY USE ARE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE:

(1) THE COUNTY COUNCIL MAY APPROVE THE LOCATION AND
HEIGHT OF A NEW TOWER OR THE EXTENSION OF AN EXISTING TOWER AFTER A
PUBLIC HEARING HELD BEFORE THE COUNCIL.

(2) AN APPLICANT PROPOSING TO CONSTRUCT A NEW
COMMUNICATIONS TOWER OR PROPOSING TO EXTEND AN EXISTING TOWER
SHALL SUBMIT THE REQUEST, IN WRITING, TO THE COUNTY COUNCIL.

(3) AT LEAST 14 CALENDAR DAYS PRIOR TO THE PUBLIC
HEARING, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND NOTICE OF

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THE PUBLIC HEARING BY FIRST CLASS MAIL TO EACH PROPERTY OWNER
WHOSE PROPERTY IS LOCATED ADJACENT TO THE PROPOSED TOWER SITE. THE
DEPARTMENT OF PLANNING AND ZONING SHALL SUBMIT TO THE COUNTY
COUNCIL A LIST OF THE NAMES AND ADDRESSES OF ALL THE PROPERTY
OWNERS WHO RECEIVED NOTICE OF THE PUBLIC HEARING.

(4) AT LEAST 14 CALENDAR DAYS PRIOR TO THE HEARING, THE
DIRECTOR OF PLANNING SHALL ENSURE THAT THE PROPOSED TOWER SITE HAS
BEEN POSTED WITH A NOTICE STATING THE DATE, TIME AND LOCATION OF THE
PUBLIC HEARING. THE NOTICE SHALL BE CONSPICUOUSLY PLACED ON THE
PROPERTY NEAR THE RIGHT-OF-WAY LINE OF EACH PUBLIC ROAD THAT THE
PROPERTY HAS FRONTAGE ON AT SUCH LOCATIONS SO THAT THE NOTICE SHALL
BE VISIBLE, IF POSSIBLE, FROM EACH PUBLIC ROAD ON WHICH THE PROPERTY
FRONTS.

(5) THE COUNTY COUNCIL SHALL PUBLISH NOTICE OF THE
PUBLIC HEARING ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST 2
NEWSPAPERS PUBLISHED IN THE COUNTY. THE SECOND PUBLICATION SHALL
NOT BE LESS THAN 14 CALENDAR DAYS BEFORE THE HEARING.

(6) AT THE PUBLIC HEARING, THE APPLICANT SHALL PRESENT
THE FOLLOWING INFORMATION:

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1 (i) INFORMATION DEMONSTRATING THE NEED FOR THE
2 FACILITY FOR PUBLIC SAFETY REASONS AND AN EXPLANATION AS TO WHY CO-
3 LOCATION OR CONSTRUCTION OF A SHORTER TOWER IS NOT FEASIBLE;

4 (ii) PHOTOGRAPHS TAKEN FROM ALL MAJOR RESIDENTIAL
5 SUBDIVISIONS LOCATED WITHIN ½ MILE OF THE PROPOSED TOWER
6 DEMONSTRATING THAT A BALLOON TEST HAS BEEN CONDUCTED OR
7 PHOTO SIMULATION SHOWING THE PROPOSED LOCATION OF THE TOWER
8 FROM ALL MAJOR RESIDENTIAL SUBDIVISIONS LOCATED WITHIN ½ MILE
9 OF THE PROPOSED TOWER SITE;

10 (iii) A SITE PLAN, INCLUDING THE LAYOUT OF THE SITE, A
11 DRAWING OR OTHER PHYSICAL DEPICTION OF THE PROPOSED TOWER AND ANY
12 EQUIPMENT BUILDINGS, AND A MAP SHOWING THE AREA WITHIN A MILE
13 RADIUS OF THE TOWER; AND

14 (iv) DOCUMENTATION DEMONSTRATING THAT THE TOWER
15 SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ALL
16 APPLICABLE AMERICAN NATIONAL STANDARDS INSTITUTE STANDARDS.

17 (7) NO AVIATION-RELATED LIGHTING SHALL BE PLACED UPON
18 THE TOWER UNLESS SPECIFICALLY REQUIRED BY THE FEDERAL AVIATION
19 ADMINISTRATION OR OTHER GOVERNMENTAL ENTITY.

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1 (8) THE ONLY SIGNAGE PERMITTED ON THE COMMUNICATIONS
2 TOWER SHALL BE A SINGLE SIGN NO LARGER THAN 6 SQUARE FEET, AFFIXED TO
3 THE EQUIPMENT BUILDING OR FENCE ENCLOSURE THAT IDENTIFIES THE TOWER
4 OWNER, EACH PROVIDER ON THE TOWER AND THE TELEPHONE NUMBER FOR
5 THE PERSON TO CONTACT IN THE EVENT OF AN EMERGENCY.

6 (9) EQUIPMENT BUILDINGS SHALL NOT EXCEED 800 SQUARE FEET
7 PER BUILDING PER PROVIDER OR A SINGLE EQUIPMENT BUILDING THAT DOES
8 NOT EXCEED 800 SQUARE FEET PER PROVIDER.

9 (10) IN THE EVENT THAT THE TOWER CEASES TO BE USED FOR
10 WIRELESS COMMUNICATIONS FOR A PERIOD OF 12 MONTHS, THE APPROVAL
11 WILL BE REVOKED. IN THE EVENT THAT THE COUNTY COUNCIL IS PRESENTED
12 WITH EVIDENCE THAT THE FURTHER VIABILITY OF THE TOWER IS IMMINENT,
13 THE COUNCIL MAY GRANT AN EXTENSION OF THE APPROVAL. THE APPLICANT
14 SHALL TAKE ALL NECESSARY STEPS TO DISMANTLE THE TOWER AND REMOVE
15 AND DISPOSE OF ALL VISIBLE REMNANTS AND MATERIALS FROM THE SUBJECT
16 PARCEL WITHIN 90 DAYS OF THE REVOCATION OF APPROVAL.

17 (11) UPON COMPLETION OF THE TOWER AND EVERY 5 YEARS
18 AFTER THE DATE OF COMPLETION, THE APPLICANT SHALL SUBMIT TO THE
19 ZONING ADMINISTRATOR WRITTEN CERTIFICATION FROM A PROFESSIONAL
20 ENGINEER VERIFYING THAT THE TOWER MEETS ALL APPLICABLE BUILDING
21 CODE AND SAFETY REQUIREMENTS APPLICABLE AT THE TIME THE ORIGINAL
22 BUILDING PERMIT WAS ISSUED.

1 Section 2. And Be It Further Enacted that this Act is hereby declared to be an emergency act
2 necessary to eliminate existing gaps in the public safety communications system within the County
3 as part of the comprehensive upgrade of the Harford County public safety communications system
4 for the protection of the health, safety and welfare of county residents, and this Act shall take effect
5 on the date it becomes law.

EFFECTIVE: December 15, 2003

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*

Council Administrator

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as amended

HARFORD COUNTY BILL NO. 03-59

Brief Title Telecommunications Facilities – Public Safety Uses

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. Ruth
Council Administrator

Date December 9, 2003

ENROLLED

Robert S. Hague
Council President

Date December 9, 2003

BY THE COUNCIL

Read the third time.

Passed: LSD 03-31

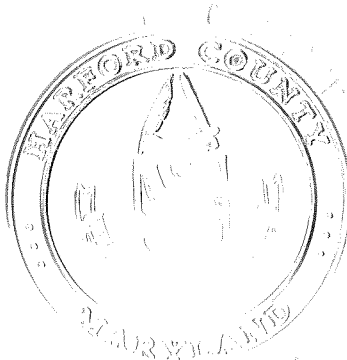
Failed of Passage: _____

By Order

Barbara J. Ruth
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 10th day of December, 2003 at 3:00 p.m.

Barbara J. Ruth
Council Administrator



BY THE EXECUTIVE

James M. Harbison
COUNTY EXECUTIVE

APPROVED: Date 12-15-03

BY THE COUNCIL

This Bill No. 03-59 As Amended, having been approved by the Executive and returned to the Council, becomes law on December 15, 2003.

EFFECTIVE DATE: December 15, 2003

Barbara J. Ruth
Barbara J. Ruth, Council Administrator

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